

Translation

PATENT COOPERATION TREATY

PCT/EP2003/01475



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 08224.6	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/014758	International filing date (<i>day/month/year</i>) 22 December 2003 (22.12.2003)	Priority date (<i>day/month/year</i>) 20 December 2002 (20.12.2002)
International Patent Classification (IPC) or national classification and IPC F28D 20/02		
Applicant EWALD DÖRKEN AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 11 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 July 2004 (19.07.2004)	Date of completion of this report 28 April 2005 (28.04.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 4, 6-8, 10-14, as originally filed,
 pages _____, filed with the demand,
 pages 1-3, 3a, 5, 9, filed with the letter of 22 December 2004 (22.12.2004),
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. _____, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 1-16, 19-26, filed with the letter of 22 December 2004 (22.12.2004),
 Nos. 17-18, filed with the letter of 13 April 2005 (13.04.2005).
- ☒ the drawings, sheets/fig 1/5-5/5, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-4 259 401

D2: FR-A-2 830 077.

There are two independent claims.

Claim 1 relates to a method for producing PCM elements.

Claim 17 relates to the PCM element.

Claims 2 to 16 are dependent on claim 1.

Claims 18 to 26 are dependent on claim 17.

Document D1 is considered to be the closest prior art for the subject matter of claims 1 and 17. D1 discloses (the references in parentheses are to D1; see, in particular, drawing 11):

PCM elements, the PCM being introducible into flexible tubes.

The subjects of claims 1 and 17 are therefore novel (PCT Article 33(2)).

Inventive step for claim 1 results from the simultaneity of the extrusion of the tube and the introduction of the PCM material.

Inventive step is ensured for claim 17, because the sections form individual subdivided and sealed elements.

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Claims 2 to 16 and 18 to 26 are dependent on claims 1 and 17, respectively, and therefore likewise meet the PCT requirements for novelty and inventive step.